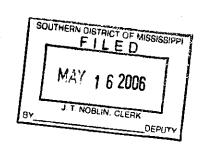
## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI JACKSON DIVISION



SPCP GROUP, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS SUCCESSOR-IN-INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS SUCCESSOR-BY-MERGER TO SOUTHTRUST BANK

**PLAINTIFF** 

V.

CIVIL ACTION NO. 3:05cv698HTW-JCS

CONGRESS STREET PROPERTIES, LLC; NORTHGATE PROPERTIES, LLC; AND ISAAC K. BYRD, JR.

**DEFENDANTS** 

## **DEFAULT JUDGMENT**

This day, the motion of the Plaintiff for entry of a final default judgment having come on for hearing, and the Court having considered same and the other pleadings and documents filed in this cause, finds that pursuant to Fed. R. Civ. P. 55(b) the Plaintiff's motion for default judgment is well-taken and should be granted;

Further this Court finds that pursuant to Fed. R. Civ. P. 55(a), the Defendants, Congress Street Properties, LLC; Northgate Properties, LLC; and Isaac K. Byrd, Jr., after waiving service of process in this cause, and thereby subjecting themselves to the jurisdiction of this Court in this cause, have each failed to plead or otherwise defend in this matter;

Further this Court finds that by the waivers of service of summons filed in this cause by each of the Defendants, Congress Street Properties, LLC; Northgate Properties, LLC; and Isaac K. Byrd,

Jr., each of the Defendants acknowledged that a judgment may be entered against each if an answer or motion under Rule 12 was not served upon Plaintiff within 60 days after January 27, 2006; and that more than 60 days have passed since January 27, 2006, with no filing of any responsive pleading by any Defendant in this cause;

Further this Court finds that pursuant to Fed. R. Civ. P. 55(a), the clerk has appropriately entered the default of the Defendants, Congress Street Properties, LLC; Northgate Properties, LLC; and Isaac K. Byrd, Jr.;

Further this Court finds that Plaintiff, SPCP Group, LLC has submitted an affidavit in support of the entry of judgment in this cause, and evidencing the failure of the Defendants to plead or defend this cause;

Further this Court finds that pursuant to Fed. R. Civ. P. 55(b)(2), the Plaintiff, SPCP Group, LLC has submitted for investigation and consideration by the Court, pleadings and other support for the entry of judgment, including an affidavit of Plaintiff evidencing damages which are by computation made certain, in the amount of \$\frac{1.798}{.444.69}\$, such amount being damages the Plaintiff is entitled to recover of and from the Defendants; and further, as evidenced by affidavit, Plaintiff is entitled to recover of and from the Defendants, pursuant to the Forbearance Agreement and Notes, reasonable attorneys fees and costs, and that Plaintiff is entitled to recover additionally the amount of \$\frac{26.073.35}{.26.073.35}\$same being reasonable attorneys fees and costs; accordingly, Plaintiff is entitled to judgment by default against Defendants, Congress Street Properties, LLC; Northgate Properties, LLC; and Isaac K. Byrd, Jr., jointly and severally, in the amount of \$\frac{1.824.517.94}{.000}\$, plus interest at the legal rate until paid and all costs of Court herein accruing.

IN ACCORDANCE WITH THE FOREGOING, IT IS, THEREFORE, ORDERED AND ADJUDGED

CHIEF UNITED STATES DISTRICT JUDGE

## SUBMITTED BY:

/s Robert H. Walker
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Kevin A. Rogers (MSB# 101230)
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## COUNSEL FOR SPCP GROUP, LLC.

Civil Action No. 3:05-cv-698 WS